

On October 6, 2020, Judge Beyer issued a thorough and well-reasoned Order awarding Plaintiff damages against Defendant Substitute Trustee Services Inc. in the amount of “\$260,175.27, made up of \$20,857.11 in actual damages other than attorney’s fees, \$109,318.16 in attorney’s fees, and \$130,000 in punitive damages.” Document #105 at 57. Judgment was

entered in the Bankruptcy Court in the principal amount plus interest at the federal rate from October 6, 2020 until paid. Document #105-1.

Congress has mandated in 28 U.S.C. § 157(c)(1) that district courts only conduct de novo review in non-core bankruptcy proceedings. As to matters touching on core proceedings, the bankruptcy court's findings of fact will not be overturned on appeal unless they are clearly erroneous, Bankr. R. 8013, and due regard will be given to the bankruptcy court's ability to evaluate the credibility of witnesses. Id.; In re Biondo, 180 F.3d 126, 130 (4th Cir. 1999). The conclusions of law of the bankruptcy court are reviewed de novo. Schlossberg v. Barney, 380 F.3d 174, 178 (4th Cir. 2004).

As noted above, the appeal has been withdrawn and no objections were filed.

The Court has carefully conducted a de novo review of the Order as well as the legal authorities and all other relevant portions of the record. For the reasons stated therein, the Court affirms and adopts Judge Beyer's Order.

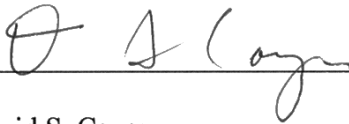
IT IS HEREBY ORDERED that:

1. The "Findings of Fact, Conclusions of Law, and Order Granting Judgment to the Plaintiff" (document #105) is **ADOPTED** and **AFFIRMED** in its entirety.
2. Plaintiff is **AWARDED** damages on her claim under 11 U.S.C. § 362(k) for violation of an automatic stay in the amount of \$260,175.27, consisting of \$20,857.11 in actual damages, \$109,318.16 in attorney's fees, and \$130,000 in punitive damages.
3. Plaintiff is **AWARDED** post-judgment interest at the federal rate from October 6, 2020 until paid.
4. The Clerk of Court is directed to re-open this file for docketing of this Order and entry of a Judgment consistent with this Order. The Clerk shall then close the file.

5. The Clerk is directed to send copies of this Order to counsel for the parties and to the Honorable Laura T. Beyer.

SO ORDERED.

Signed: March 8, 2021

A handwritten signature in black ink, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer
United States Magistrate Judge

